

SIKKIM



GOVERNMENT

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Gangtok

Tuesday 14th January, 2020

No. 03

**GOVERNMENT OF SIKKIM
LAW AND PARLIAMENTARY AFFAIRS DEPARTMENT
GANGTOK**

No: 2017/LD&PAD/2020

Date: 9/1/2020

NOTIFICATION

The Governor of Sikkim is hereby pleased to make the following rules further to amend the Law Officers (Terms and Conditions) Rules, 1995, namely:-

Short title and commencement.

1. (1) These rules may be called the Law Officers (Terms and Conditions) Amendment, Rules, 2019.
- (2) They shall come into force at once.

Amendment of rule 2

2. In the Law Officers (Terms and Conditions) Rules, 1995, hereinafter referred to as the "said rules", in rule 2, for clause (c), the following shall be substituted, namely:- "(c) 'Law Officers' includes:-
 - (i) A senior Government Advocate, Public Prosecutor, Additional Public Prosecutor, Special Public Prosecutor, Government Advocate, Assistant Government Advocate and Assistant Public Prosecutor;
 - (ii) Law Officer appointed by the State Government under rule 18 engaged to assist the Government Departments in legal matters on such term as the State Government may by order prescribe from time to time;
 - (iii) 'Standing counsel' appointed by the different State Government undertakings, or undertakings under the control of the Government or statutory corporation, all undertakings aided by the Government or any State Government Department charged with the responsibility of law enforcement under any statute."

Amendment of rule 4

3. In the said rules, in rule 4, after the words "Law Officer" the words "appointed under sub-clause (1) of clause (c) of rule 2" shall be inserted."

**Amendment of
rule 5**

4. In the said rules, in rule 5, after sub-rule (4), the following proviso shall be inserted, namely:-

"Provided that the provision contained in these rules shall not apply to a Law Officer defined in sub-clause (ii) of clause (c) of rule 2.

**Amendment of
rule 7**

5. In the said rules, in rule 7,-

- (i) in sub-rule (1), after the words "appointment as" and before the words "an Assistant Government Advocate", the words "a law officer or" shall be inserted.;
- (ii) in sub-rule (7), after the words "Additional Public Prosecutor" the words "or/Standing Counsel" shall be omitted;
- (iii) after sub-rule (2), the following sub-rule shall be inserted, namely:-"(2A.) No person shall be eligible for appointment as a Standing Counsel unless he holds a degree in law from a recognized university and has been in continuous practice as an advocate for a period not less than 15 years.;"
- (iv) in sub-rule (3), for the figure "12", the figure "18" shall be substituted.

**Amendment of
rule 16**

6. In the said rules, in rule 16, for the words "these rules", the words "sub-clause (1) of clause (c) of rule 2" shall be substituted.

By order and in the name of the Governor.

**L.R-cum-Secretary,
Law Department.**